# 009 356 44Y MAILED: 2/23/89

# **BEST AVAILABLE COPY**

#### DECLAMATION AND POWER OF ATTORNEY Original Application

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I believe I am the original and joint inventor (if plu which a patent is sought	ral names are listed i	below) of the subj	ect matter which is cu	imed and for
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Check One is attached hereto D was filed on	) <b>.</b>			as
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and was amended Libert read the applica	on			•
declaration which I was I hereby state that I have including the claims, as a disclose information whi 37. Code of Federal Repunited States Code, § 17. and have also identified filing date before that of	mended by any amer ch is material to the ( gulations, § 1.56(a). I 9 of any foreign appli below any foreign a	ndment(s) referred examination of this hereby claim fore cation(s) for patent application for pate	to above. I acknowled application in accordation eign priority benefits a tor inventor's certificatent or inventor's certificatent	lge the duty to ance with Title ander Title 35, te listed below
Application Number	Co	untry	Date of Filing	Priority Claimed
			·	
I hereby claim the benefitisted below and, insofar in the prior United States States Code, § 712, I actioned of Federal Regulation and the national or	as the subject matter application in the managed anowledge the duty tions, § 1.56(a) which	r of each of the clai anner provided by to disclose materi a occurred betwee	ims of this application in the first paragraph of a l information as defit In the filing date of the	is not disclosed Title 35, United ned in Title 37,
Application Number	Date	of Filing	Status—Patented, Pendin	g or Abandoned
•				
POWER OF ATTORNEY substitution and revoca: Trademark Office conn	tion, to prosecute th	or, I hereby appoi is application and	nt as my attorneys, wit transact all business in	h full power of the Patent and
	Carolyn R. Adler Walter E. Buting Janet E. Hasak Max D. Hensley Dennis G. Kleid Stephen Raines	- Reg. No Reg. No Reg. No Reg. No Reg. No Reg. No.	23,092 28,616 27,043 32,037	

#### APPLACABLE TRANSPORT & PRES

#### 37 CTR 1.56 ELTY OF DISTINGUES: FRANCE STRUCKE OR REJECTION OF APPLICATIONS.

(a) A dury of condor and good faith sewert the Patent and Bradenark Office systs on the inventor, on each attention or agent who properts or prosecutes the application and on every other and valuable was is summarrially smolved in the propertion of prosecution of the application and who is essecuted with the inventor, with the assignme or with anyone we application are well associated with the inverse, with the assigner or with anjoing to with there is an obligation to assign the application. All such individuals have a duty to disclose to the Cifice information they are mere of which is material to the examination of the application. Such information is material where there is a substantial like—lihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations ensurested in 35 GSC 102 and 103 Should be considered material under 37 GFR  $1.56(\alpha)$ :

#### 25 D.S.C. 102. COCKTOG FOR PATENTALLETY; SEVELTY ME LOSS OF MICH TO PATENT

A person shall be entitled to a perent unless—

(a) the invention was known or used by others in this country, or patented or .

described in a primed publication in this or a foreign country, before the invention thereof by the applicant for perent, or

(b) the invention was perented or described in a primted publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for perent in the United States, or

(c) he has standard the invention, or

(d) the invention was first perented or caused to be personal, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for perent in this country on an application for patent or inventor's certificate filled more than thelve months before the filling of the application in the United States, or

(e) the invention was described in a patent granted on an application for perent

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the equirement of paragraphs (1), (2), and (4) of section 371(c) of this table before the invention

thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country. by another who had not abandoned, suppressed, or concealed it. In determining priority of sevention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### 25 S.S.C. 183. CONDITIONS FOR PAIDVIDABILITY: NON-COVICUS BURNET PAITER

A perent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be parented and the prior act are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary shill in the art to which said subject matter pertains. Farentability shall not be required by the manner in which the invention was made.

#### 25 D.S.C. 119. RENETT OF EARLIER FILING DATE IN FOREIGN CORNERS: RIGHT OF PRICRITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or easyms have, previously regularly filed an applicahas, or whose legal representatives or assigns have, proviously requirely filed an applica-tion for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application could have if filed in this country on the date on which the application for petent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on warries neve on which such several application was filed; but no patent shall be granted on any application for patent for an invention which has seen patented or described in a printed publication in any country more than one year select the date of the actual filing of the application in this country, or which had seen in public use or on hale in this country more than one year prior to such filing.

#### 25 D.S.C. 120. SENSETT OF EXPLIEN FILING DATE DI THE UNITED SENSEE

An application for patent for an invention disclosed in the manner provided by the first parapraph of section 712 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention; shall have the same effect, as to such invention, as though filed on the date of the orior application, if filed before the patenting or ananoment of or termination of proceedings on the first application or on an application smallerly entitled to the benefit of the filling date of the first application and if it command or is exceeded to commain a specific reference to the extirer filed application.

#### 35 D.S.C. 112. "SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in summ full, clear, concise, and exact terms as to enable any person skilled in the art to which it persons, or with which it is must nearly converted, to make the use the same, and shall set forth the best wide contemplated by the

Amender of corrying Ast his immention.

The openification shall conclude with one or more claims particularly cointing out and distinctive claims the subject water which the applicant regards as his invention.

4	Send Correspond 60 Point S	an Bruno Boulevar	H, INC	•		Telephor		lis to: CAROLYI	N ADLER
П	FULL NAME OF INVENTOR				Middle II	•	Ŀ	LASKY	
ē	RESIDENCE &	SAUSALITO		FORNIA	v		U.S.		[Zip Code
K	POST OFFICE ADDRESS	Star Route Box	460	SAUSAL:	ITO	State or CA		ORNIA	94965
Ī	FULL NAME OF INVENTOR	Full First Name - STEVEN			Made t			ROSEN of Causembap	
Ę	RESIDENCE & CITIZENSHIP	SAN FRANCISCO		LIPORNIA Cay		State or	- U	.S.A.	Zup Code
L	POST OFFICE ADDRESS	828 Clayton Str	eet	SAN FRA				ORNIA .	94117
1	FULL NAME OF INVENTOR	Full Furst Name SCOTT	Sus or	Foreign Count	E.			STACHEL of Citatenship	,:
Ę	RESIDENCE & CITIZENSHIP	BERKELEY	CAL	IFORNIA Teny		Succe or	Coun	S.A.	Zip Code
	POST OFFICE ADDRESS	791 Peralta		BERKELE	¥	CAL	.IFOI	RNIA	94707
1	FULL NAME OF INVENTOR	Full First Name MARK	1	Foreign Coun		S.	- 1	Last Name 5/NGER ny of Citizenship	<u> </u>
Ę		Post Office Address		CILY FORNI		Sun e	u	1.5.9.	Z o Code
	POST OFFICE ADDRESS	1915 GRAWT	- 57.	BERKE				ORNIA	94703
F	FULL NAME OF INVENTOR	led	State o	r Foreign Cour	<u> </u>		Count	Yednock	<u> </u>
3	RESIDENCE 4	Post Office Address		ilitoraice 16117		5 1010 0		ASA-	Zıp Cede
1	ADDRESS	93 Taylor Dri	بعر	Feiry		C1			94930
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	Date Z	/22/89			D.	ite			

(Signatures should conform to names as presented at 201 et seq. above)





EXPRESS MAIL No. 009 356 44Y MAILED: 2/23/89

# DECLARATION AND POWER OF ATTORNEY

Original Application

BUCKEL DECOMPTEN

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		I hereby declare that:		
ا مدا	in legister the esistent for	dress and citizenship are as stated be rst and sole inventor (if only one nam	e is listed below) or an	noriginal, first
and i	ipini inventor (il plural	names are listed below) of the subje	CI WELLEL MUICH IR CIT	imeo ano ior
whic	th a patent is sought on	the invention entitledLYMPHOCY	the specifica	tion of which
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- (	is attached hereto.  D was filed on			as
[15]	Application Serial No			
.15	and was amended o	n		
discl 37, ( Unit	lose information which Code of Federal Reguli ted States Code, § 119 of have also identified be	inded by any amendment(s) referred is material to the examination of this ations, § 1.56(a). I hereby claim foreign application(s) for patent low any foreign application for pate application on which priority is claim	application in accorda ign priority benefits u or inventor's certificat int or inventor's certif	ince with Title under Title 35, ie listed below
1.2 1.0	Application Number	Country	Date of Filing	Priority Claimed Ves / No /
•	NONE		,	1 1 1
			•	1 1.
liste in th State Cod	ed below and, insofar as the prior United States as les Code, § 112, I ackno de of Federal Regulatio	under Title 35, United States Code, § 1 the subject matter of each of the clais oplication in the manner provided by owledge the duty to disclose materia ns, § 1.56(a) which occurred between T international filing date of this app	ms of this application i the first paragraph of I al information as defir n the filing date of the	is not disclosed Title 35, United ned in Title 37,
liste in th State Cod	ed below and, insofar as the prior United States as les Code, § 112, I ackno de of Federal Regulatio	the subject matter of each of the clain oplication in the manner provided by owledge the duty to disclose materia ns, § 1.56(a) which occurred between	ms of this application i the first paragraph of I al information as defir n the filing date of the	is not disclosed Title 35, United ned in Title 37, e prior applica-

#105YER OF ATTORNEY: And named inventor, I bereby appoint as my attorneys, with full power of subsection and resolution and resolution and transact all business in the Patent and Arademark Office columns to the patents:

Carciya R. All 1		Reg.	No.	3. 24
Walter E. Buting	-	Reg.	No.	23,092
Janet E. Hasak	-	Reg.	Ro.	28,616
Max D. Hensley	-	Reg.	No.	27,043
Dennis G. Kleid	-	Хеz.	ÑD.	32.03/
Stephen Raines	-	Reg.	No.	25,912





#### APPLICABLE STATISTIS & POLES

## 37 CTR 1.56 DUTY OF MISTIGENE: FRANCE STRUKING OR REJECTION OF APPLICATIONS.

(a) A duty of cardor and good faith toward the Petent and Trademark Office sesss on to a many or common one good south summer was returned an attended a state of the inversor; on each attended or agent who prepares or prosecutes the application and on every other individual who is summeratively involved in the preparation or grosscrition of the application and was is associated with the inversor, with the assignment of with anyone The application and war is essociated with the inventor, with the essigne or with anyone to wrom there is an obligation to essign the application. All such individuals have a duty so disclose to the office information they are mark of which is neutrial too the examination of the application. Such information is material where there is a succentrial likelihood what a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is communicate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations enumerated in 35 SEC 102 and 103 Should be considered material under 37 CFR 1.56(a):

## 25 U.S.C. 102. COCKINGS FOR PATCHDSILLTY; SOVERY MO LOSS OF MIGHT TO PATCH

A person shall be entitled to a person unless—

(a) the invention was brown or used by others in this country, or patented or described in a princed publication in this or a foreign country, before the invention

described in a granted publication in this or a foreign country, before the invention terror by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country, more than one year prior (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of a inventor's certificate, by the application for patent in this (country on an application for patent or inventor's certificate filed more than table months before the litting of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent (by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention (c) before the applicant's invention thereof the invention was each in this country (g) before the applicant's invention thereof the invention was each in this country by souther who had not abandoned, suppressed, or convealed it. In determining priority of invention there shall be considered not only the reasonable fillingence of one who was first to occave and last to reduce to practice, from a time prior to conception by the other.

## 25 D.S.C. 103. CONDITIONS FOR PAIDWASILITY: MON-COVIDES SANIET HATER

A perent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter mount to be parented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Fatentiability shall not be negatived by the matter in which the invention was made.

# 25 D.S.C. 119. RECEIT OF EAGLIER FILING DATE IN FOREIGN COMPANY

An application for parent for an invention filed in this quantry by any person who has, or whose legal representatives or assigns have, previously requisitly filed an application for a patent for the same invention in a foreign mountry which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, in the case of applications filed in the United States or to citizens of the United States, whall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was filed; but me patent shall be granted on earliest date on which such foreign application was filed; but me patent shall be granted on earliest date on which such foreign application in or patent for an invention which has seen patented or described in a printed application in any country, or which had seen in public use or on sale in this country were than one year policy or which had seen in public use or on sale in this country were than one year great to such filing.

# 25 D.S.C. 120. SENSETT OF EXCLUSIVE FILING BATE DA 70E DATED STATES

An application for patent for an invention disclosed in the namer provided by the first paragraph of section 712 of this title in an application previously/filed in the United States, or as provided by Section 363 of this title, by the same invention shall have the Same effect, as to such invention, as though filed on the date of the original polication, if filed patent the patenting or anadorment of or termination of proceedings on the first filed patent or on an application similarly emitted to the benefit of the filling date of the first application and if it contains or is exceed to contain a specific reference to the earlier filed application.

#### 35 D.S.C. 112. "GEELFICTION (Applicable Fortion)

The specification shall contain a written description of the invention, and of the non-process of making and using it. In sum full, clear, concise, and exact terms as to enable any person skilled in the art to which it persons, or with which it is most meatly converted, to make the use the same, and shall set forth the best ende contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or wore cluims particularly spining out and distinctive claims for superi watter which the applicant regards as mis invention.

	FULL NAME	Full First Name			Middle I	nstial(s)		Last Name	
	OF INVENTOR	LINUNLINUE		Former County	Α.	•	Ž	LASKY	
Ē	RESIDENCE & CITIZENSHIP	SAUSALITO	ł	FORNIA	₩	ľ	COUNTY OF	U.S.A.	
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,	FULL NAME OF INVENTOR	Full First Name - SCOTT		•	Meddie I E			Last Name STACE	EL
Ž	RESIDENCE A	BERKELEY		Foreign Count LIFORNIA	7	T		try of Cittlenship	
ŕ	POST OFFICE	Post Office Address		Eny		5 tate 0			Zip Code
	ADDRESS	791 Peralta		Berkele	y		Cal:	ifornia '	94707
7	FULL NAME	Full First Name			Middle (	viid(s)	-	Last Name	
1	OF INVENTOR	STEVEN	<del> </del>		_5			ROSEN	•
	RESIDENCE & CITIZENSHIP	SAN FRANCISCO		CALIFORNI	•	1	WHI WAR	U.S.A.	
1	POST OFFICE	Past Office Address		CKY		Sune o	Cou		Zip Cedi
	ADDRESS	828 Clayton Stree	et	San Fran	ncisco		Ca1	ifornia	94117
	FULL NAME OF INVENTOR	Full Fust Name MARK			Middle I	uma(r)		Last Name SING	
	RESIDENCE &	City	S1421 00	Fereign Count		F	Coun	try of Citizenship	,
8	CITIZENSHIP	BERKELEY Post Office Address		CALIFOR	NIA	State o		U.S.A.	
	POST OFFICE ADDRESS	1915 Grant S	treet	City Berke	ley			ifornia	94703
	FULL NAME OF INVENTOR	Full First Name TED			Middle I	niual(s)		Less Name YEDNOCK	
	RESIDENCE A	City		Foreign Count		1	Coun	try of Citatenship	
8		Post Office Address	1 <u>. C</u>	ALIFORNIA		State o	r Cou	U.S.A.	Zip Code
	POST OFFICE ADDRESS	93 Taylor Driv	e	FAIRFAX		Cal	lifo	rnia	94930
1	FULL WAME OF INVENTOR	Full First Name			Made I	retual(s)		Last Name	
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(Signatures should conform to names as presented at 201 et acq. above)

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